

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ERIC EICHEL, Individually and
as Personal Representative of
the Estate of Randi Eichel

&

SHANNAH EICHEL, a minor by and
through her father and next
friend Eric Eichel

Plaintiffs

v.

UNITED STATES
OF AMERICA,

Defendant

*
*
*
*
*
*
*
*
*
*
*
*
*
*
*
*
*
*
*
*

CIVIL ACTION NO. MJG-02-4207

* * * * * *** * * * *

JOINT MOTION TO MODIFY SCHEDULING ORDER

Both the Plaintiffs and the Defendant, the United States of America, by their respective counsel, move jointly, pursuant to Local Rule 105.9, to modify the Scheduling Order in the above-captioned case for the following reasons:

1. The Plaintiffs have filed a wrongful death and survival action, alleging that the decedent's death came about as the result of the negligence of doctors employed at Pensacola Naval Hospital. This medical malpractice case is complex and will, necessarily, involve the testimony of more than just a lone medical expert.

2. Consistent with the first modified Scheduling Order, which motion was granted on May 7, 2003, Plaintiff identified four

proposed experts. Defendant's identification of its experts is due presently on August 13, 2003. Due to the complexity of the matters implicated in the case and the voluminous medical records that must be reviewed, additional time dating through September 3, 2003 is needed for the defense to properly identify its own experts.

3. Additionally, counsel are working to establish deposition dates for those experts identified to date so as to complete discovery of the case efficaciously but given the number of depositions involved a modification of the current Scheduling Order is needed.

4. Such will in no way unduly and unreasonably delay a case of this magnitude and will, in fact, conserve judicial resources by aiding in streamlining the issues involved in the case. Neither party will be prejudiced by the Court's grant of the proposed modification.

WHEREFORE, it is respectfully requested that this Honorable Court grant leave for the parties to complete discovery in conformance with the following revised schedule:

Defendant's Rule 26(a) (2) Disclosure re: experts --9/3/03

Plaintiff's Rebuttal Rule 26 (a) (2)-- 9/27/03

Rule 26(e) (2) Supplementation of Disclosures -- 10/3/03

Discovery Deadline and Status Report -- 10/31/03

Requests for Admissions -- 11/7/03

Dispositive Pretrial Motions - 11/22/03

Respectfully submitted,

THOMAS M. DIBIAGIO
United States Attorney

/s/
TARRA DeSHIELDS
Assistant United States Attorney
General Bar No. 07749

Office of the United States Attorney
6625 United States Courthouse
101 West Lombard Street
Baltimore, Maryland 21202
(410) 209-4800

Counsel for Defendant

/s/
Karl J. Protil, Jr.
Bar No. 447934
Shulman, Rogers, Gandal, Pordy &
Ecker, P.A.
11921 Rockville Pike, Third Floor
Rockville, Maryland 20852
(301) 230-5200
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of July, 2003, one copy of the foregoing Joint Motion for Second Modification of Scheduling Order was electronically filed this date and mailed, postage prepaid, to Karl J. Protil, Jr., Shulman, Rogers, Gandal, Pordy & Ecker, P.A., 11921 Rockville Pike, Third Floor, Rockville, Maryland 20852.

/s/
TARRA DeSHIELDS
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ERIC EICHEL, Individually and
as Personal Representative of
the Estate of Randi Eichel

&

SHANNAH EICHEL, a minor by and
through her father and next
friend Eric Eichel

Plaintiffs

v.

UNITED STATES
OF AMERICA,

Defendant

CIVIL ACTION NO. MJG-02-4207

* * * * * *** * * * *

ORDER

The foregoing Joint Motion for Second Modification of the Scheduling Order having been read and considered by the United States District Court for the District of Maryland, it is this ____ day of July, 2003,

ORDERED, that the parties Joint Motion for Second Modification of the Scheduling Order be and is hereby GRANTED and that the Scheduling Order be modified as follows:

Defendant's Rule 26(a) (2) Disclosure re: experts --9/3/03

Plaintiff's Rebuttal Rule 26 (a) (2)-- 9/27/03

Rule 26(e) (2) Supplementation of Disclosures -- 10/3/03

Discovery Deadline and Status Report -- 10/31/03

Requests for Admissions -- 11/7/03

Dispositive Pretrial Motions - 11/22/03; and it is further ORDERED that the Clerk of the Court remit copies of this signed ORDER to all counsel of record in the case.

Marvin J. Garbis
United States District Judge